

Members

Rep. Sheila Klinker, Chairperson  
Rep. Robert Alderman  
Sen. Marvin Riegsecker  
Sen. Rose Antich  
Sally Lowery  
Ervin Picha  
Christopher Durcholz  
Thomas VanMeter  
Sylvia Brantley  
Suda Hopkins  
Joanne Rains-Warner  
Betty Williams



# INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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Authority: IC 2-5-27.2

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## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 23, 2002  
**Meeting Time:** 1:00 P.M.  
**Meeting Place:** State House, 200 W. Washington St., 233  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Rep. Sheila Klinker, Chairperson; Sen. Marvin Riegsecker; Sen. Rose Antich; Sally Lowery; Ervin Picha; Christopher Durcholz; Thomas VanMeter; Suda Hopkins; Joanne Rains-Warner; Betty Williams.

**Members Absent:** Rep. Robert Alderman; Sylvia Brantley.

Senator Riegsecker started the meeting at 1:08 PM and explained that Representative Klinker was running late. Senator Riegsecker stated that some minor changes were made to the order of the meeting agenda.

**Infants and Toddlers with Disabilities Program Annual Update**, Lanier DeGrilla, Assistant Deputy Director, Bureau of Child Development, Division of Family and Children (DFC), Family and Social Services Administration (FSSA)

Ms. DeGrilla introduced herself to the Commission members as the new Deputy Director of the Bureau of Child Development. Ms. DeGrilla referred to five handouts previously distributed to Commission members (See Exhibit 1).

Document 1: *Indiana Statewide: First Step's Profile for April 1, 2001, through March 31, 2002*

Document 2: *Measuring the Outcomes of First Steps*

Document 3: *Executive Summary: Indiana's Self-Assessment*

Document 4: *Cost Participation Proposed Rule*

Document 5: *Cost Participation Public Hearing #02-74*

In addition to the handouts Ms. DeGrilla discussed the proposed cost participation rule. She stated the Bureau expects the rule to be finalized by March 2003. The Division is working to enhance software to support the proposed rule. Rule implementation is expected to occur in April 2003.

In response to questions from the Commission, Ms. DeGrilla stated that the Bureau will track the cost of implementation closely. The concern is that implementation will cost more than copayments collected. Ms. DeGrilla stated that for the first year the cost associated with copayment collection is expected to cost more due to program startup costs.

Ms. DeGrilla stated that Indiana was selected to conduct a self-assessment of the program based upon a preset national evaluation schedule (See Exhibit 1, Document 3).

In response to questions from the Commission, John Dickerson, Director, ARC of Indiana, stated that 350% of the federal poverty level represents about \$60,000 for a family of four (350% is the starting point for the sliding fee scale for cost participation). The maximum amount that a family would be required to contribute monthly is \$180 regardless of the number of services provided. In addition, some of the services provided do not require a copay.

Costa Miller, Executive Director, Indiana Association of Rehabilitation Facilities (INARF)

Mr. Miller began by welcoming Dr. DeGrilla. He stated that the service community is very comfortable with Dr. DeGrilla coming on board. Mr. Miller stated that he is taking a resolution supporting the cost participation rule before the INARF Board. He stated that the program has been heavily subsidized by local effort in the past. The program costs the state about \$60 M annually. with approximately \$10 M in Federal funding.

**Best Buddies Indiana**, Bill Moreau, Barnes and Thornburg; Nick Parkevich, State Director, Best Buddies Indiana

Mr. Moreau provided a brief background on the Best Buddies program. He stated that Barnes and Thornburg provides *pro bono* services to the program in Indiana. Mr. Moreau stated that more than 175,000 people have been involved in the program over the past 13 years nationwide.

Mr. Parkevich introduced himself to the Commission. Mr. Parkevich handed out folders of program materials to the Commission (see Exhibit 2). He stated the Indiana chapter of Best Buddies was established earlier this year. The Indiana program will work with colleges and high schools in setting up chapters throughout the state. There are currently 21 chapters in the state representing approximately 600 people. An organizational flier states "The members of the organization are students with and without intellectual disabilities and other similar developmental disabilities who are paired in a one-to-one friendship."

In response to questions from the Commission, Mr. Parkevich stated the organization is looking for guidance from the state in securing resources. Alison Becker stated that FSSA would be interested in discussing how the state can work with Best Buddies.

**Residential Community Assistance Program (RCAP)**

Teri Hively, Director, Tippecanoe Villa

Ms. Hively distributed sacks to Commission members. The sacks contained written testimony from Villa residents, as well as home-baked cookies. She thanked the Commission members for their support and interest.

Roger Sell, Budget Director, FSSA, spoke briefly. He introduced Doug Beebe, Director, Aging & In-Home Services, FSSA. Mr. Beebe read a statement regarding the RCAP program (See Exhibit 3). In addition to the handout Mr. Beebe made the following comments:

- FSSA is willing to separate out Room and Board Assistance (RBA) and Aide to Residents of County Homes (ARCH) funding.
- Mr. Beebe does not know the cost difference between RBA and ARCH services.
- Cost differences exist between programs because some facilities are licensed.

**FSSA 317 Plan Budget**, Alison Becker, Director, Bureau of Developmental Disabilities Services, FSSA

Ms. Becker provided the Commission three handouts (See Exhibit 4):

Document 1: *Update on Residential Services Funding, Including 317 Funds.*

Document 2: *Continuation of 317 Services Plan.*

Document 3: *SFY2002 317 Management Report.*

Ms. Becker discussed the “four R’s”: Requested, Received, Reverted, and Refinanced pertaining to 317 Plan funding. She explained that the federal government allowed the state to refinance services for some individuals. The refinancing moved the cost of the services from 100% state funding to Medicaid waiver funding - mix of state and federal cost. The waivers provide at least as many services to the individuals.

In response to questions from the Commission, Ms. Becker stated that FSSA is currently purging the waiting list for waiver slots for the first time. The agency has strict protocol to follow to insure that only people no longer needing services are removed from the waiting list. It is unknown as to how many individuals will be removed from the waiting list as a result.

Ms. Becker stated that Brebeuf Jesuit Preparatory School recently held a waiver open house. The students invited families to an informational session at the school. Representatives from FSSA were present at the open house and able to answer questions regarding waiver enrollment. FSSA processed 148 intakes at this event.

Commission members asked several questions regarding the support services waiver. Ms. Becker stated that it takes approximately four months from initial application to receipt of services for an individual to receive services on the support services waiver. Ms. Becker stated that FSSA expects 7,000 people to be on the waiver by the third year of the program.

**Discussion of Proposed Legislation:** (See attached bill drafts)

K.C. Norwalk, Attorney for the Commission, distributed preliminary drafts of proposed legislation. Members of the Commission discussed the following drafts. Results of votes are noted where appropriate.

PD 3658 - Medicaid Billing

This draft requires the Office of Medicaid Policy and Planning (OMPP) to submit to each provider an itemized monthly statement of Medicaid payments made by OMPP to the provider. Amy Kruzan, Legislative Director, FSSA, stated that it was her understanding that OMPP already does this on a weekly basis. The Commission agreed that interested parties should continue to work on this draft. As such, the vote of the Commission represents an endorsement of the draft concept, not the actual draft language.

The proposal passed by voice vote, 10-0.

PD 3659 - Support Services Waiver

This draft requires the Office of Medicaid Policy and Planning to apply for an amendment to the

Medicaid support services waiver to require the Bureau of Developmental Disabilities to determine the level of care for all persons under the support services waiver. The Bureau currently does all level of care determinations for all individuals except those age 0-5. Three mothers of children with disabilities provided testimony concerning the support services waiver and the assessment process; Marsha Colins, Jenna Lovel, and Marti Reynolds (see Exhibit 5). John Dickerson, The ARC of Indiana, stated that the Developmental Disability profile has been used by DDARS since October 1, 2001. Ms. Colins, Ms. Lovel, and Ms. Reynolds all stated that they felt there was inconsistency in the current level of care determination system.

The proposal passed by voice vote, 10-0.

#### PD 3683 - County Home Account

This draft creates the county home account within the State General Fund. It appropriates money specifically for the Aide to Residents of County Homes (ARCH) program. This draft will be reworked to include how money shall be appropriated to individual homes, including a per day cost for both licensed and unlicensed homes. The Commission agreed that interested parties should continue to work on this draft. As such, the vote of the Commission represents an endorsement of the draft concept, not the actual draft language.

The proposal passed by voice vote, 9-0.

#### PD 3689 - Medicaid Waiver for Residents of County Homes

This draft would require OMPP in FSSA to apply for a waiver for Medicaid coverage for residents of county homes. These residents are currently not covered under Medicaid because they are residents of a "public institution". There was some discussion regarding whether OMPP can request such a waiver. The interested parties will continue to work on this draft. The requirements set forth in this draft are not likely to be approved due to the fact that it is not budget neutral. The federal Center for Medicare and Medicaid Services (CMMS) would be unlikely to approve the waiver due to the fact that it would serve a new population of individuals and as such be a new cost.

No vote was taken on this draft.

#### PD 3698 - Medicaid Waiver Application Process

This draft requires the OMPP to make the final determination of eligibility for a Medicaid waiver for an individual who has a developmental disability. This bill would allow individuals to apply for a DD waiver at the same locations that accept applications for Medicaid. Currently, individuals have to apply for Medicaid first through a local Division of Families and Children office. Amy Kruzan, Legislative Director, FSSA, stated that FSSA was supportive of this draft.

The proposal passed by voice vote, 9-0.

#### **Adjournment:**

There being no further business before the Commission, Representative Klinker adjourned the meeting at 3:15 PM.